

# **MCC Guidance**

## **Note: Bid Review and Technical Evaluation Panels**



# Table of Contents

Bid Review and Technical Evaluation Panels	3
Technical Members	3
Auxiliary Member	3
Observers	3
Approval of Panel Members	3
Confidentiality	4
Conflict of Interest of Panel Members	4
Payments to Panel Members	4
Bid Review or Technical Evaluation	4
Bid Review or Technical Evaluation Report	5

## **Bid Review and Technical Evaluation Panels**

The MCA Entity shall use technically qualified panels to evaluate each bid or technical proposal. MCC encourages engaging external expertise on the panel for major procurements.

### **Technical Members**

All members of the panel must be technically qualified to review and evaluate the substance of the proposals. Ensure that the panel members possess the skills required to evaluate all aspects of the proposals (e.g., environmental, social, and monitoring and evaluation), and are not serving merely as a representative of an organization or because of the office they hold. However, panel members are not expected to be procurement experts and do not be making decisions about the procurement process. All members of the panel must be voting members. Panels generally consist of three to five technical members, but the size may vary depending on the expertise needed for the procurement. In each case, however, the number of technical members must be rationally related to the task at hand. In the interest of continuity, use the same panel throughout the selection process.

MCC employees and its agents or consultants shall not serve as members of a panel for an MCA Entity procurement. MCA Entity employees and consultants may serve on a panel if qualified, but MCA Entity board members are not eligible to serve on a panel. The Procurement Agent does not serve on a panel. The MCA Entity's Procurement Director does not serve on a panel except when the procurement is for the services of a Procurement Agent.

### **Auxiliary Member**

In addition to the technical members, the MCA Entity may use auxiliary member(s), such as the Procurement Agent. The auxiliary member checks references, financial and other eligibility, assists the technical members in writing the technical evaluation report and performs other administrative duties for the panel. Auxiliary member(s) shall not evaluate, vote, or comment on any bid or proposal.

### **Observers**

MCC reserves the right of its own staff, agents or consultants to observe the proceedings of the panel. The presence of an observer from MCC is not an approval or endorsement of the results of the evaluation panel, and in no way binds MCC to approve the results. Observers shall not evaluate, vote, or comment on any bid or proposal, and shall not answer any substantive question related to the procurement or any bid or proposal that could be taken as a binding on MCC.

## Approval of Panel Members

The Procurement Agent is responsible for conducting an initial review and approval of the technical members of the panel proposed by the MCA Entity. MCC may opt-in as necessary for approval of panel members. For projects in which approval is required as an opt-in, the MCA Entity shall submit for MCC approval the Curriculum Vitae or a list of the candidate's qualifications for each proposed panel member.

## Confidentiality

The names of the panel members must remain confidential to decrease the possibility of undue influence by competing entities. All bid or proposal information must remain confidential and may not be shared by anyone who has not signed an Impartiality and Confidentiality Declaration.

## Conflict of Interest of Panel Members

The designation process for the panel must also ensure that the panel members do not currently engage, nor have engaged in during the past one year, work for any of the competing entities. In addition, panel members must not have a financial interest that could be affected by their participation on the panel. Any person who is listed as personnel (key personnel or other specifically designated personnel) in a proposal, or who is considering prospective employment with a competing consultant, is not eligible to be a member of a panel for the related procurement. Each member of the panel, including any auxiliary members, the Procurement Agent, the Procurement Director and any observer or anyone provided procurement sensitive information, must sign an Impartiality and Confidentiality Declaration that is documented in the evaluation report. See the sample attached to Program Procurement Guidelines, which can be altered to fit the specific context of the procurement, but must preserve the key elements of the declaration. Members of the panel must not have any financial interest in the outcome of the procurement, and it is the responsibility of the Procurement Agent to ensure that all members understand this requirement.

## Payments to Panel Members

The MCA Entity shall not pay honorariums to employees of the MCA Entity or other government agencies. Government employees may be paid for travel and per diem expenses directly related to participation as a panel member, subject to the limitations set forth in the applicable MCC Cost Principles.

The MCA Entity may pay a reasonable fee to private sector members for their services as a panel member, subject to the limitations set forth in the applicable MCC Cost Principles. Private sector members are procured as consultants under Part 1.B.

## **Bid Review or Technical Evaluation**

In conducting the bid review or evaluation, members of the panel must conduct the evaluation in accordance with the evaluations criteria in the bidding documents, and provide numerical scores for each criteria and sub-criteria. An adjectival score may be used only in conjunction with the numerical score. For example: excellent 100 – 92; good 91 – 85; satisfactory 84 – etc.

Use consensus to reach the final scoring. To achieve consensus within the panel, meet as soon as possible after completing initial evaluations. Discuss the rationale of the ratings and any unique understanding of the proposals or Terms of Reference (TOR) that may add to each other's knowledge or understanding of the effort. Panel members may change their rating if, through this discovery process, they believe they have missed important information in evaluating the proposal.

These discussions are an open forum that allows panel members to focus on how their fellow members came to an evaluation decision. These factors assist to reach and support (through the narrative) a consensus opinion concerning the technical merit, strengths, and weaknesses of each proposal based upon the evaluation factors in the bidding documents. No panel member should be pressured to change a rating or comment. However, any panel member is free to change any initial rating or comments he or she has assigned based upon this discussion. The final panel rating may not always reflect the “average” rating, but shall reflect a rating agreed to through this consensus discussion.

## **Bid Review or Technical Evaluation Report**

At the end of the evaluation process, the MCA Entity shall prepare a report documenting the results of the evaluation process and, if required by the approval Matrix (Attachment A to the Program Procurement Guidelines), submit the report to MCC for its review and approval. The report shall substantiate the results of the evaluation and describe the relative major and minor strengths and major and minor weaknesses of the proposals. All records relating to the evaluation, such as individual mark sheets, shall be retained by the Procurement Agent until completion of the Compact.